

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

COLUMBIA INSURANCE GROUP, INC.,
and THE ORDER SONS OF ITALY IN
AMERICA OF THE STATE OF NEBRASKA,

Plaintiffs,

vs.

VENTURA FOODS, LLC, and SYSCO
CORPORATION,

Defendants.

8:19CV21

**SECOND AMENDED FINAL
PROGRESSION ORDER**

This matter is before the Court on the parties' Joint Stipulation for Extension of Discovery Deadlines. ([Filing No. 59.](#)) The stipulation is granted. Accordingly,

- 1) The jury trial of this case is set to commence before Robert F. Rossiter, Jr., United States District Judge, in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on August 10, 2020**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **July 15, 2020 at 10:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. (If counsel wishes to appear in person, counsel must contact chambers requesting permission to do so. Before contacting chambers to request such relief, counsel shall confer regarding the issue.) The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to bazis@ned.uscourts.gov, in Word format, **by 12:00 p.m. on July 10, 2020**.
- 3) The telephonic conference to discuss the status of case progression and the parties' interest in settlement presently scheduled for **March 9, 2020** is canceled and rescheduled to be held with the undersigned magistrate judge on **May 20, 2020 at 10:00 a.m.** Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 33.](#))
- 4) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is **April 26, 2019**.
- 5) The deadlines for moving to amend pleadings or add parties are:

For the plaintiff(s):
For the defendant(s):

September 6, 2019
September 6, 2019

- 6) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **April 2, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **April 16, 2020**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 7) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 15, 2019
For the defendant(s):	April 14, 2020

- 8) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	December 15, 2019
For the defendant(s):	April 14, 2020

- 9) The deposition deadline is **April 19, 2020**.

a. Depositions will be limited by Rule 30(d)(1).

- 10) The deposition deadline for experts is **May 15, 2020**.

- 11) The deadline for filing motions to dismiss and motions for summary judgment is **April 3, 2020**.

- 12) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **May 4, 2020**.

- 13) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 14) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 15) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 28th day of February, 2020.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge